

KATZMELINGER
370 LEXINGTON AVENUE, SUITE 1512
NEW YORK, NEW YORK 10017
www.katzmeling.com

Nicole Grunfeld
Katz Melinger PLLC

o: 212.460.0047
f: 212.428.6811
ndgrunfeld@katzmeling.com

June 30, 2023

VIA ECF

The Honorable Judith C. McCarthy
United States District Court
Southern District of New York
300 Quarropas St.
White Plains, New York 10601

Re: Asencio v. Iris Spa in North Castle Corp., et al.
Civil Action No. 7:21-cv-06608

Dear Judge McCarthy:

We represent Plaintiff Reina Asencio in the above-captioned matter, and write pursuant to Your Honor's Individual Rules to respectfully request a pre-motion conference so that we may seek an order directing Defendants to pay a cost stemming from their untimely cancellation of defendant Minkwan Choe's deposition.

On May 31, 2023, we noticed the deposition of Mr. Choe to be held on June 29, 2023. See attached hereto as Exhibit 1 the transmittal email and as Exhibit 2 the deposition notice. On June 7, 2023, we confirmed with defense counsel that Mr. Choe required an interpreter for the deposition. See attached hereto as Exhibit 3 our email exchange with defense counsel confirming the need for an interpreter. On the morning of June 28, 2023, we sent defense counsel the link for the deposition and the same day, during a telephone status conference with the Court, we informed the Court and reminded defense counsel of the deposition scheduled for the following day. After the telephone conference, Defense counsel emailed us mid-day that Mr. Choe would not be available for deposition the following day. See Exhibit 4 attached hereto. No explanation was provided, despite having been on notice of the deposition for nearly a month.

We expeditiously cancelled the court reporter and interpreter; however, as a result of the cancellation with less than 24 hours' notice, our office was invoiced by the interpreter. See attached hereto as Exhibit 5 a copy of the invoice. Because Defendants were on ample notice of the date and time of deposition and did not cancel timely, we have requested that they pay the interpreter fee. They have refused to do so. We therefore respectfully request that the Court allow us to move for an order directing them to pay the interpreter fee.

Honorable Judith C. McCarthy
June 30, 2023

Furthermore, in light of Defendants' other actions in this matter, including but not limited to their refusal to timely schedule Plaintiff's deposition and their subsequent belated oral request to the Court to extend the discovery deadline, we believe Defendants' last-minute cancelation of Mr. Choe's deposition and refusal to pay the resultant interpreter's fee to be unreasonable and in bad faith. We therefore seek our fees for the time expended to request the Court's intervention in this matter.

Respectfully submitted,

/s/ Nicole Grunfeld
Nicole Grunfeld